

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES**

Case Title :	Gloria Wellington	Case No : 10-46452 – A – 13J	
		Date : 12/5/11	
		Time : 01:30	
Matter :	[132] – Motion/Application to Confirm Chapter 13 Plan [PGM-5] Filed by Debtor Gloria Wellington (jgis)		OPPOSED
Judge :	Michael S. McManus		
Courtroom Deputy :	Sarah Head		
Reporter :	Diamond Reporters		
Department :	A		

APPEARANCES for :
Movant(s) : Debtor(s) Attorney – Peter G. Macaluso
Respondent(s) : Trustee – Jan P. Johnson

MOTION was :
Denied
See final ruling below.

ORDER TO BE PREPARED BY : Jan P. Johnson

Final Ruling: The motion will be denied and the objection will be sustained.

First, the plan is not feasible as witnessed by the failure of the debtor to make plan payments totaling \$3,109.40. The plan does not comply with 11 U.S.C. § 1325(a)(6).

Second, the plan provides for inconsistent treatments of the secured claim of Vericrest. The plan provides the claim in Class 1 (cure of the prepetition default and the maintenance of ongoing installments) and in Class 3 (surrender of the property securing the claim). It must be one or the other, but not both.

Third, assuming the Vericrest claim will be paid, the plan's duration will exceed the 5-year maximum. See 11 U.S.C. § 1322(d).